

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the undersigned would like to thank the Examiner for the courtesy and assistance extended on behalf of the Applicants during the telephonic interview conducted on April 1, 2008, with the undersigned.

In the Official Action, the Examiner rejects claims 7-10, 14-16, 21-23, 25, 26 and 35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,069,273 to O'Hearne et al., (hereinafter "O'Hearne"). Furthermore, the Examiner rejects claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over O'Hearne. Additionally, the Examiner rejected claims 17 and 24 under 35 U.S.C. § 103(a) as being unpatentable over O'Hearne in view of U.S. Patent No. 6,619,768 to Northrop et al., (hereinafter "Northrop"). Lastly, the Examiner rejected claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over O'Hearne in view of U.S. Patent No. 6,619,768 to Northrop et al., (hereinafter "Northrop") in view of U.S. Patent No. 3,914,957 to Jacobs (hereinafter "Jacobs").

In response, independent claims 21 and 35 have been amended to clarify their distinguishing features. Specifically, independent claim 21 has been amended to recite:

"a cooling holding unit for holding and cooling the sterilized medical equipment which has been sterilized by hot steam, the cooling holding unit having one or more first fans positioned to pull air from a first channel and direct the air over the sterilized medical equipment and one or more second fans arranged under the sterilized medical equipment for exhausting the air into a second channel."

Similarly, independent claim 35 has been amended to recite:

“a cooling holding unit that is arranged near a steam sterilization device for medical equipment for sterilizing medical equipment by hot steam for enabling repeated use of the medical equipment for medical procedures and that holds and cools the medical equipment sterilized by the steam sterilization device, the cooling holding unit having one or more first fans to pull air from a first channel and direct the air over the sterilized medical equipment and one or more second fans arranged under the sterilized medical equipment for exhausting the air into a second channel.”

The amendment to independent claims 21 and 35 is fully supported in the original disclosure, such as at pages 4-5 of the specification and Figure 1A of the drawings. Thus, no new matter has been introduced into the disclosure by way of the present amendment to independent claims 21 and 35.

During the interview (and acknowledged in an Interview Summary issued on April 8, 2008), the Examiner indicated that the features now recited in independent claims 21 and 35 are not disclosed or suggested in the prior art of record.

With regard to the rejection of claims 7-10, 14-16, 21-23, 25, 26 and 35 under 35 U.S.C. § 102(b), a steam sterilization storing device for sterilized medical equipment having the features discussed above and as recited in independent claims 21 and 35, are nowhere disclosed in O’Hearne. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claims 21 and 35 are not anticipated by O’Hearne. Accordingly, independent claims 21 and 35 patentably distinguish over O’Hearne and are allowable. Claims 7-10, 14-16, 21-23, 25 and 26 being dependent upon claim 21, are

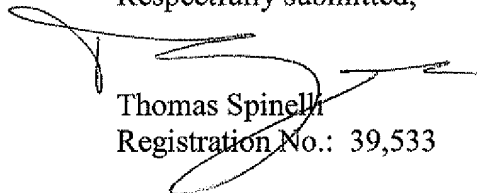
¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 7-10, 14-16, 21-23, 25, 26 and 35 under 35 U.S.C. § 102(b).

With regard to the rejections of claims 11-13, 17-20 and 24 under 35 U.S.C. § 103(a), since independent claim 21 patentably distinguishes over the prior art and is allowable, claims 11-13, 17-20 and 24 are at least allowable therewith because they depend from allowable base claim 21. Consequently, the Examiner is respectfully requested to withdraw the rejection of claim 11-13, 17-20 and 24 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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